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BACKGROUND: Rwanda Rule of Law Assistance

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Rebuilding the Rwandan legal system is a long-term process; it will take years to get the law school functioning properly, to train the lawyers, magistrates and legal officials necessary for the effective operation of a fair legal system and, most importantly, to fit the legal system into a functioning and respected system of government. Satisfying these long-term, democracy-building objectives will require a comprehensive and integrated development assistance program.

However, the GOR faces immediate needs in getting its legal system up and running. At one level, the Rwandan Ministry of Justice needs the physical tools -- desks, paper, computers, etc. -- necessary for its most basic functions. More substantively, the GOR faces three immediate challenges to its devastated legal system: (1) trying and punishing or freeing most of the approximately 5000 prisoners currently being held for participating in acts of violence during the civil war (the War Crimes Tribunal will only prosecute a small fraction of these cases); (2) resolving the property disputes that will arise between returning "new" refugees and repatriating "old" refugees; and (3) dealing with the daily crime and violence endemic to any society. The GOR's most pressing need in addressing each of these challenges is locating a sufficient number of adequately trained magistrates to handle the constantly rising caseload.

Donor Plans to Address Legal System Needs

There has been widespread interest among the donors in assisting the GOR rebuild its legal system. In addition to the

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U.S., the Belgians, Swiss, the U.N. Development Program, the U.N. Human Rights Center and the International Commission of Jurists have all expressed a desire to help the Rwandans in this effort. Before providing any legal reform assistance, these potential donors intend to assess the status and needs of the Rwandan legal system. Between now and Christmas, each donor, except the U.S., has plans to make an assessment trip to Rwanda. An initial opportunity to share information from these assessments and begin to coordinate the donors' legal reform efforts will occur at the UNDP's next Rwanda Roundtable meeting in Geneva on December 14-15.

U.S. Rule of Law Assistance

The U.S. is working to address both the immediate needs of the Rwandan legal system and the long-term objective of reestablishing the rule of law in Rwanda. The USAID mission in Kigali is presently using \$600,000 of existing funds (FY94??) to purchase the hardware, desks and material necessary to get the Ministry of Justice up and running. Rather than sending out an additional legal system assessment team, USAID has accepted an invitation to place someone on the UNDP's assessment team which will be in Rwanda from November 22 to December 2 and is expected to have a report prepared by the middle of December. In the interim, USAID is exploring the possibility of funding foreign judges and magistrates to work in Rwanda and help alleviate the backlog of cases. To address the rising tide of property disputes, UNDP's assessment will test the possibility of using arbitration and mediation in the short term, and USAID is exploring more long-term solutions such as engaging the Wisconsin Land Tenure Center in developing a land registry system for Rwanda.

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TALKING POINTS: Rwandan Rule of Law Assistance

- The U.S. has made rebuilding the Rwandan legal system a priority for its assistance to the Government of Rwanda. If the refugees and internally displaced persons are to return to their homes, the GOR must show that it is operating under the rule of law, where conflicts can be resolved peacefully in a fair and effective legal system.
- We are presently purchasing material necessary to get the Ministry of Justice up and running. We are also exploring ways to help the Rwandans find a short-term solution for trying the many prisoners accused of crimes during the civil war and dealing with the more routine problem of crime in the country. In addition, we are looking for ways to address the issue of land tenure disputes.
- I understand that there are various legal system assessment trips planned over the next couple of weeks. Rather than add to this, the U.S. has accepted an invitation to participate in the UNDP's assessment visit which starts tomorrow.
- These assessment trips will place a premium on coordinating our assistance efforts. Our coordination must go beyond simply telling each other what programs we intend to fund. I would hope that we could share our assessment of the needs of the Rwandan legal system and then determine how, as a group, we can best meet these needs. This can be done either here at future Support Group meetings or at the UNDP Roundtable meetings.

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